



# 42nd Annual Torts Update

**Program dates start September 5. Register today!**

**4 CLE  
1 EPR**

# Dates

# 42nd Annual Torts Update

## The latest in civil litigation

Don't run yourself ragged trying to sort through the most recent developments in tort law. Save your energy for the details that matter! At the 42nd Annual Torts Update, get up-to-speed on issues including:

- How to challenge arbitration "agreements"
- Why sign permits may be the next battleground for eminent domain litigation
- Exceptions to the rule of immunity and the likely continued challenges
- Insight about the impacts of the *Tetra Tech EC v. Wisconsin Department of Revenue* decision

Plus, earn an ethics credit by learning how to respond to a negative online review, and what happens when a complaint has been filed with the Office of Lawyer Regulation.

## Who should attend:

- Torts & personal injury lawyers
- Civil litigators
- Insurance law attorneys
- General practitioners

## How you'll benefit:

- Understand how recent major court decisions could affect your next case
- Learn how to ethically deal with negative online reviews and OLR complaints
- Gain unique insight from attorneys who represented parties in many of the cases covered

**Register now!**

## Registration

**ONLINE:** [www.wisbar.org/seminars](http://www.wisbar.org/seminars) » credit card or Ultimate Pass only

**PHONE:** (800) 728-7788 » credit card or Ultimate Pass only

**FAX:** (608) 257-5502 » credit card or Ultimate Pass only

**MAIL:** State Bar PINNACLE Registrations  
P.O. Box 7158, Madison, WI 53707-7158  
check, credit card, Passbooks, or Ultimate Pass

**State Bar CLE/PINNACLE Passbook Registrations:** Passbook Certificates must be received by the State Bar at least one business day prior to the event. For live seminars, walk-in registrations with Passbook Certificates are welcome.

**Registration Cancellations:** Please visit [wisbar.org/cancellation\\_policy](http://wisbar.org/cancellation_policy) for information on PINNACLE registration cancellation policies.

**Course materials for those attending the seminar:** Course materials are provided in PDF format and are downloadable from *myStateBar* on [wisbar.org](http://wisbar.org) up to four days prior to and 90 days after your seminar. For live seminar attendees who prefer a printed format, please select the tuition option that includes printed materials for an additional \$20.

## Book Sale!

### *The Law of Damages in Wisconsin*

Save 20% on *The Law of Damages in Wisconsin*. Use discount code **CA2920** when you order online or by calling (800) 728-7788. \*Plus, all seminar attendees receive a free two-week trial of the Books UnBound® version.

This comprehensive reference covers the types of damages available in Wisconsin and explains the special rules governing them. An essential resource for any litigator's library!

Print Book: #AK0063; 1,422+ pp.; 7th ed., 2016-17 (includes 2018-19 supplement)  
Member: ~~\$219~~ \$175.20 | Nonmember: ~~\$269~~ \$215.20

Books UnBound® Subscription: #AE0063  
Member: ~~\$159~~ \$127.20 | Nonmember: ~~\$199~~ \$159.20

\*Discount applies to both print and digital Books UnBound® editions of this title and cannot be applied to previous purchases. Offer valid as long as CLE credit is available for this program. For Books UnBound users, discount may be applied to purchase of individual Books UnBound title only and may not be used on purchase of full library.



## Schedule

### 8:00 AM Registration

### 8:30 AM The Duty to Defend: An Update

- A survey of recent changes of Wisconsin's law on the duty to defend
- The scope of the duty to defend
- Consequences of breaching the duty to defend  
*Monte E. Weiss*

### 9:00 AM Forced Arbitration in the Post-Epic World

- The proliferation of arbitration
- Challenging arbitration "agreements"
- How to hoist them on their own petards
- The mechanics of forced arbitration in multi-plaintiff cases  
*Jason Knutson*

### 9:30 AM Eminent Domain and Inverse Condemnation

- Elements of a successful inverse condemnation claim
- What constitutes a property interest for which compensation must be paid
- How statutory fee-shifting provisions make some inverse condemnation claims more valuable than others
- What the Wisconsin Supreme Court's 4-3 decision in *Adams* means for outdoor advertising and businesses along highways
- Why sign permits may be the next battleground for eminent domain litigation  
*Joseph J. Rolling*

### 10:00 AM Break

### 10:15 AM Ethics: Online Reviews and OLR Complaints

- How the duty of confidentiality relates to online reviews
- The basics of how the lawyer discipline system works in Wisconsin
- Update on proposed changes  
*Timothy J. Pierce*

### 11:05 AM Discretionary Immunity – The Saga Continues

- The status of the discretionary immunity doctrine in the wake of the *Engelhardt v. City of New Berlin* decision
- Exceptions to the rule of immunity
- Looking ahead – challenges will likely continue  
*J. Michael Riley*

### 11:35 AM Down Goes Deference: Deference No Longer Given to Agencies' Interpretations of Law

- Why the court took up the issue in *Tetra Tech EC, Inc. v. Wisconsin Department of Revenue*
- Deciphering the lead opinion in the *Tetra Tech* case
- Insight about the impacts of *Tetra Tech Barret V. Van Sicklen*

### 12:05 PM Program Concludes

Following start time, webcast replay schedule will vary slightly from above listed times.

## Faculty

### Program Chairs

#### Michael P. Crooks

von Briesen & Roper, S.C., Madison

#### Edward E. Robinson

Cannon & Dunphy, S.C., Brookfield

### Presenters

#### Jason Knutson

Habush Habush & Rottier, S.C., Madison

#### Timothy J. Pierce

State Bar of Wisconsin, Madison

#### J. Michael Riley

Axley Brynerson LLP, Madison

#### Joseph J. Rolling

von Briesen & Roper, S.C., Madison

#### Barret V. Van Sicklen

DeWitt LLP, Madison

#### Monte E. Weiss

Weiss Law Office, S.C., Mequon

## Dates

## Location

### LIVE SEMINAR:

Thursday, September 5, 2019  
**Radisson Milwaukee West**  
2302 N. Mayfair Rd.,  
Hwy 100 at North Ave.  
Milwaukee, WI  
(414) 257-3400

### LIVE WEBCAST:

Thursday, September 5, 2019

### WEBCAST REPLAYS:

Thursday, September 19, 2019  
Friday, September 27, 2019  
Wednesday, October 2, 2019  
Tuesday, October 8, 2019  
Monday, October 14, 2019

## Credits

This program has been submitted to the Wisconsin Board of Bar Examiners for up to **4 CLE credits, Including 1 Ethics and Professional Responsibility credit.**

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Priority Code: S3746TB

SEMINAR TUITION	LIVE SEMINAR: With PRINTED Course Materials	LIVE SEMINAR: With Downloadable (PDF) Course Materials	WEBCAST SEMINAR: With Downloadable (PDF) Course Materials
<input type="checkbox"/> State Bar Member	<input type="checkbox"/> \$219	<input type="checkbox"/> \$199	<input type="checkbox"/> \$229
<input type="checkbox"/> Nonmember	<input type="checkbox"/> \$299	<input type="checkbox"/> \$279	<input type="checkbox"/> \$309
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<input type="checkbox"/> Passbook Certificate User	<input type="checkbox"/> \$20 + 1 Certificate	<input type="checkbox"/> 1 Certificate	<input type="checkbox"/> 1 Certificate

## Seminar Date/Location:

- Live Seminar:** Thursday, September 5, 2019 – Milwaukee
- Live Webcast:** Thursday, September 5, 2019
- Webcast Replay:** Thursday, September 19, 2019
- Webcast Replay:** Friday, September 27, 2019
- Webcast Replay:** Wednesday, October 2, 2019
- Webcast Replay:** Tuesday, October 8, 2019
- Webcast Replay:** Monday, October 14, 2019

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To purchase written course materials for those **not** attending this program, contact the State Bar at (800) 728-7788.

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## Additional Learning Opportunities

### CLE Seminars

#### Pretrial Techniques 2019

Discover insights and strategies to use in your next pretrial motion. Receive an overview of medical-related pretrial motions from plaintiff and defense perspectives. Witness experienced litigators argue motions and explain their strategies. Hear a judge's ruling on each motion and the rationale behind each decision. **4 CLE**

**Live Madison Seminar and Live Webcast:** Sept. 25, 2019

**Webcast Replays:** Oct. 7, 2019 | Oct. 15, 2019 | Oct. 22, 2019 | Oct. 30, 2019 | Nov. 7, 2019  
Nov. 15, 2019 | Dec. 7, 2019

### Books / Books UnBound | Online Fillable Forms

#### Wisconsin Civil Litigation Forms Manual

Every form has been reviewed and polished by eminent Wisconsin attorneys and judges. Avoid common drafting mistakes, and achieve greater clarity, consistency, and simplicity in your court submissions. An indispensable resource for any civil litigator.

**Print Book:** #AK0036; 665+ pp.; 4th ed. 2018; **Member:** \$249 | **Nonmember:** \$309  
**Books UnBound® Subscription:** #AE0036; **Member:** \$159 | **Nonmember:** \$199

#### Civil Litigation Forms Library

Find forms fast with our easy-to-use online forms library. *The Civil Litigation Forms Library* gives you access to 218 documents. Each form is a high-quality template you can modify to fit your needs. All forms follow statutory specifications and ensure you include all required information.

**Online subscription:** #FB3000 | **Members only:** \$129  
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